

## ANALYSIS OF AMENDED BILL

Author: Wiggins Analyst: Jane Tolman Bill Number: AB 2941  
Related Bills: None Telephone: 845-6111 Amended Date: 04-11-2002  
Attorney: Patrick Kusiak Sponsor: \_\_\_\_\_

**SUBJECT:** Public Records/Require Person Requesting Information to Provide Proof of Identity & Reason for Request

**SUMMARY**

This bill would require a person requesting information under the California Public Records Act (the Act) to provide identification and documentation of the reason for the request.

**SUMMARY OF AMENDMENTS**

The April 11, 2002, amendments eliminated all language regarding the Civil Code and added the new language that would require any person making a request to provide identification and the reason for the request.

This is the department's first analysis of the bill.

**PURPOSE OF THE BILL**

The intent of the author of this bill is to provide safeguards for state agencies and the public when a state agency is releasing a public record.

**EFFECTIVE/OPERATIVE DATE**

This bill would be effective January 1, 2003, and would apply on or after that date.

**POSITION**

Pending.

**ANALYSIS**FEDERAL/STATE LAW

Existing federal law provides the Freedom of Information Act (FOIA). The FOIA requires federal agencies to make public information available upon request, unless specifically exempted by law. The provisions under the FOIA are similar to the Act.

The Act requires that all state and local agencies make their public records available for public inspection during office hours, unless exempted by law.

Neither the Act nor the FOIA require an individual to present identification or documentation of the reason for the request of a public record.

Board Position:

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<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input checked="" type="checkbox"/> PENDING

Department Director

Date

Gerald H. Goldberg

6/13/02

## THIS BILL

Under the Act, this bill would add the requirement that a person must provide proof of his or her identity using one or more of the following forms of identification:

- California or other state driver's license.
- California or other state identification card.
- Military identification.
- Governmental identification.

This bill also would require that the person provide documentation of the reason why the information is being requested. That documentation may include any of the following:

- Police report or document.
- Insurance report or document.
- Court report or document.

## IMPLEMENTATION CONSIDERATIONS

The bill uses the term "information." Presently, the Act requires the release only of disclosable public records, not "information." To be consistent with the Act, the department would interpret "information" to mean a public record. The author may wish to replace this term with "public record" to be consistent with the existing law.

The bill establishes a requirement to provide documentation of the reason for the request for a public record and identifies three examples: police, insurance, or court reports or documents. The bill does not, however, clearly provide what is an inadequate request. If the author intends to limit requests for public information to exclude certain reasons for requests, the bill should be amended to list those reasons.

## **OTHER STATES' INFORMATION**

Research of *Illinois, Massachusetts, Michigan, Minnesota, and New York* found that these states do not require citizens to provide proof of identification or written documentation of the reason for requesting a public record.

## **FISCAL IMPACT**

This bill would not significantly impact the department's costs.

## **ECONOMIC IMPACT**

This bill would not impact the state's income tax revenue.

## **LEGISLATIVE STAFF CONTACT**

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